

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

MICHAEL CREDIT,

Plaintiff,

v.

FEDEX GROUND PACKAGE SYSTEM, INC. and
MIDDLEBORO FEDERAL ACQUISITION, LLC.,

Defendants.

:
:
: Civil Action No.: 1:21-cv-10165
:
:
:
: **NOTICE AND PETITION**
: **OF REMOVAL**
:
:
:
:

TO: United States District Court
1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210
Via ECF

PLEASE TAKE NOTICE THAT Defendants FedEx Ground Package System, Inc. (hereinafter “Defendants”), hereby move to remove this action, filed by Michael Credit, from the Superior Court of Massachusetts, Law Division, Plymouth County, to the United States District Court for the District of Massachusetts in accordance with 28 U.S.C. §1446 and respectfully allege:

1. A civil action has been instituted against Defendants in the above-entitled action in the Superior Court of the State of Massachusetts, Plymouth County, styled Michael Credit v. FedEx Ground Package Systems, Inc., et al. and bearing the Docket No. 2083CV00957, which was filed in said Court on December 14, 2020. Annexed hereto as **Exhibit “A”** is a copy of the said Summons and Complaint.

2. On December 31, 2020, a copy of the aforementioned Complaint was served, by Plaintiff, upon Defendant FEDEX GROUND PACKAGE SYSTEMS, INC. Annexed hereto as **Exhibit “B”** is a true and accurate copy of the affidavit of service of the Complaint.

3. Plaintiff has brought this action against the Defendants as a result of an alleged slip and fall accident on or about January 15, 2018, at 17 Cowan Drive, Middleborough, MA. See Exhibit “A”.

4. Upon information and belief, at the time of commencement of this action and the filing of this Notice of Removal:

- a. Plaintiff was domiciled in the State of Massachusetts, County of Plymouth (*see* **Exhibit “A”**);
- b. FedEx Ground Package System, Inc. is a corporation incorporated in the state of Delaware with a principal place of business located at 1000 FedEx Drive, Moon Township, Pennsylvania; and
- c. Defendant Middleborough Federal Acquisition, LLC, is corporation incorporated in the state of Delaware with a principle place of business of 19 Lee Avenue, Ste. 185, Brooklyn, Kings County, New York (*see* **Exhibit “A”**).

5. Complete diversity of citizenship exists in this case because, for purposes of diversity, Plaintiff is a citizen of Massachusetts, FedEx Ground Package System, Inc. is a citizen of Delaware, and Middleborough Federal Acquisition, LLC is a citizen of New York. *See* 28 U.S.C. § 1332(c)(1).

6. Plaintiff seeks damages, interests, liens, and costs, alleging that Plaintiff was caused to suffer serious personal injuries resulting in surgery, scarring, permanent loss of function, lost wages, and loss of future earnings. (*see* Exhibit “A”) Plaintiff’s damages are alleged to be the result of personal injuries allegedly sustained in slip and fall accident which occurred on or about January 15, 2018, at or near 17 Cowan Drive, Middleborough, MA.

7. Defendants notice the removal of this action on the grounds that it is between the citizens of different states and allegedly involves a claim in excess of \$75,000.00, exclusive of interest and costs; and is thereby removable under 28 U.S.C. § 1441, et. seq.

8. This Notice of Removal is timely, since it is filed within thirty (30) days of receipt of the Affidavit of Service on Defendants (*see* **Exhibit "C"**).


WHEREFORE, FedEx Ground Package System, Inc. and Middleborough Federal Acquisition, LLC, respectfully request that the action styled Michael Credit v. FedEx Ground Package Systems, Inc., et al., filed in the Superior Court of Massachusetts, Plymouth County – Law Division, Docket No. 2083CV00957, be removed to this Court.

Dated: January 29, 2021

Respectfully submitted,

CALLAHAN & FUSCO, LLC

Attorneys for Defendants
FEDEX GROUND PACKAGE SYSTEM,
INC.

By: 

CHELSEA S. NOVELLI, ESQ.
103 Eisenhower Parkway, Suite 400
Roseland, New Jersey 07068
(877) 618-9770

TO: Michael Kiernan
Ready, Kiernan, & McNally, LLP
267 Main Street
Wareham, MA 02571
Attorneys for Plaintiff

CERTIFICATION OF SERVICE

I, Chelsea S. Novelli, of full age, being duly sworn, according to law and upon my oath, depose and say:

1. I am an attorney with the law firm of Callahan & Fusco, LLC, and assigned the handling of this action.

2. On January 29, 2021, I notified via Massachusetts e-file, a copy of the within Notice of Removal to:

Michael Kiernan
Ready, Kiernan, & McNally, LLP
267 Main Street
Wareham, MA 02571
Attorneys for Plaintiff

3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: January 29, 2021

BY: _____



Chelsea S. Novelli, Esq.